

Senate Bill 435

By: Senators Thomas of the 54th, Balfour of the 9th, Williams of the 19th, Harbison of the 15th, Goggans of the 7th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to enact the "Diabetes and Health Improvement Act of 2010"; to provide legislative findings; to establish the Georgia Diabetes Control Grant Program; to provide for an advisory committee; to provide for the establishment of two grant programs to promote a state-wide effort to combat the proliferation of diabetes; to provide for grant criteria; to provide for staff; to revise certain provisions relating to the regulation of tanning facilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

The General Assembly finds that:

- (1) Diabetes is a chronic disease caused by the inability of the pancreas to produce insulin or to use the insulin produced in the proper way;
- (2) If untreated and poorly managed, diabetes has been medically proven to lead to blindness, kidney failure, amputation, heart attack, and stroke;
- (3) Diabetes is the sixth leading cause of death in the United States, responsible for a similar number of deaths each year as HIV/AIDS;
- (4) In Georgia, the prevalence of diabetes is 8 percent higher than the nation as a whole;
- (5) One out of three people with diabetes are not aware that they have the disease;
- (6) Without aggressive societal action, the number of people living with diabetes in Georgia will more than double to 1,697,000 people in the next 20 years, cutting life short for these people by ten to 20 years; and
- (7) Without aggressive societal action, the economic burden of diabetes on the State of Georgia is expected to grow from \$5 billion each year to about \$11.9 billion in the next 20 years.

SECTION 1-2.

This Act shall be known and may be cited as the "Diabetes and Health Improvement Act of 2010."

SECTION 1-3.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding a new Code section to read as follows:

"31-2-17.1.

(a) There is established within the department's Division of Public Health the Georgia Diabetes Control Grant Program. The purpose of the grant program shall be to develop, implement, and promote a state-wide effort to combat the proliferation of Type 2 diabetes and pre-diabetes.

(b) The program shall be under the direction of a seven-member advisory committee, appointed by the Governor. The Governor, in making such appointments, shall ensure to the greatest extent possible that the membership of the advisory committee is representative of this state's geographic and demographic composition, with appropriate attention to the representation of women, minorities, and rural Georgia. The appointments made by the Governor shall include one member who is:

(1) A physician licensed in this state;

(2) A registered nurse licensed in this state;

(3) A dietician licensed in this state;

(4) A diabetes educator;

(5) A representative of the business community;

(6) A pharmacist licensed in this state; and

(7) A consumer who has diabetes.

The commissioner of the Department of Community Health, or his or her designee, shall serve as an ex officio, nonvoting member of the advisory committee. Appointed advisory committee members shall be named for five-year terms staggered so that one term will expire each year, except for the fourth and fifth year, when two terms will expire. Their successors shall be named for five-year terms.

(c) The Georgia Diabetes Control Grant Program shall be authorized to administer two grant programs targeted at new, expanded, or innovative approaches to address diabetes as follows:

(1) A program to provide grants to middle schools and high schools to promote the understanding and prevention of diabetes may be established by the program. Such grants shall be provided through the appropriate local board of education. Grant requests shall contain specific information regarding requirements as to how the grant should be

spent and how such spending promotes the understanding and prevention of diabetes.
Grant recipients shall be required to provide the advisory committee with quarterly
reports of the results of the grant program; and

(2) A program to provide grants to health care providers for support of evidence based
diabetes programs for education, screening, disease management, and self-management
targeting populations at greatest risk for pre-diabetes, diabetes, and the complications of
diabetes; and grants may also be awarded to address evidence based activities that focus
on policy, systems, and environmental changes that support prevention, early detection,
and treatment of diabetes. Eligible entities shall include community and faith based
clinics and other organizations, federally qualified health centers, regional and county
health departments, hospitals, and other public entities, and other health related service
providers which are qualified as exempt from taxation under the provisions of Section
501(c)(3) of the Internal Revenue Code of 1986. Such entities shall have been in
existence for at least three years, demonstrate financial stability, utilize evidence based
practices, and show measurable results in their programs.

(d) The advisory committee shall work with the department to establish grant criteria and
make award decisions, with the goal of creating a state-wide set of resources to assist
residents of Georgia in their efforts to prevent or treat diabetes. Grants shall not be used for
funding existing programs.

(e) The grant program shall be under the direction of the diabetes coordinator appointed
pursuant to Code Section 31-2-17. The department shall provide sufficient staff,
administrative support, and such other resources as may be necessary for the diabetes
coordinator to carry out the duties required by this Code section.

(f) This Code section shall be subject to appropriation from the General Assembly."

PART II

SECTION 2-1.

Said title is further amended by adding a new Code section to read as follows:

"31-38-4.1.

(a) After January 1, 2011, no person shall establish, maintain, or operate a tanning facility
without first having registered with the department.

(b) A person shall register under this Code section by submitting a form to the department.
The form shall require only the name, address, and telephone number of the tanning facility
and owner and the model number and type of each ultraviolet lamp used in the tanning
facility.

96 (c) A registrant shall be required to pay an annual registration fee of \$25.00 per tanning
97 facility and an additional registration fee of \$15.00 per tanning device owned, leased, or
98 otherwise used by the tanning facility."

99 **SECTION 2-2.**

100 Said title is further amended by revising subsection (b) of Code Section 31-38-8, relating to
101 written report of injury requirement, use of tanning equipment by minors restricted, and
102 equipment maintenance requirements, and by adding a new subsection to read as follows:

103 "(b) The tanning facility owner or operator shall not allow minors under 14 years of age
104 to use tanning equipment. The tanning facility owner or operator shall not allow minors
105 14 years of age or over but under 18 years of age to use tanning equipment unless the
106 minor's parent or legal guardian signs a written consent form meeting the requirements of
107 this Code section. Such consent form shall be signed by the parent or legal guardian at the
108 tanning facility before the minor may use the equipment or facility."

109 "(e) A tanning facility shall not advertise or distribute promotional materials that claim that
110 using a tanning device is safe or free from risk or that the use of a tanning device will result
111 in medical or health benefits. Violation of the provisions of this subsection shall constitute
112 an unfair or deceptive act pursuant to the terms of Part 2 of Article 15 of Chapter 1 of Title
113 10, the 'Fair Business Practices Act of 1975.'"

114 **PART III**

115 **SECTION 3-1.**

116 All laws and parts of laws in conflict with this Act are repealed.